



Subject: **AGREEMENT WITH DAVID J. POWERS & ASSOCIATES FOR SERVICES PERTAINING TO ENVIRONMENTAL CONSULTING**

Council Agenda: 1-24-12  
Item: 29

**City Council Action Request**

<b>Department:</b> Environmental Services	<b>CEQA:</b> Not a Project, File No. PP10-066(d) Consultant Services	<b>Coordination:</b> City Attorney's Office	<b>CMO Approval:</b> 
			<b>Dept. Approval:</b> Kerrie Romanow /s/

**RECOMMENDED ACTION:**

Approve the Fourth Amendment to the Master Agreement for Consultant Services between the City of San José and David J. Powers & Associates (DJP&A) to provide environmental consulting services on an as-needed basis, extending the term through December 31, 2012, with no increase in the amount of total compensation, and a total amount not to exceed \$600,000.

**BASIS FOR RECOMMENDATION:**

This amendment is necessary to allow DJP&A to continue the work on ESD's San José-Santa Clara Treatment Plant Operating Fund (513) service order, the Nortech-Zanker Service Lateral project, which will identify the potential environmental impacts associated with the construction and propose mitigation measures that will minimize or prevent any impact to the project area. As a result, DJP&A will submit a Final Initial Study as part of the City's compliance with the California Environmental Quality Act (CEQA).

In addition, ESD is requesting the extension in order to retain environmental consultant services in anticipation for projects potentially eligible for federal and state funding.

The existing agreement is being updated with the current insurance requirements and is being extended one year from January 1, 2012 to December 31, 2012.

**David J. Powers & Associates Consulting Agreement Chronology**

	<i>Date Modified</i>	<i>Action</i>	<i>Funded Amount</i>
Powers Agreement	9/19/2008	Agreement for the period: 9/19/2008-6/30/2011 Integrated Waste Management Fund (423): \$250,000	\$250,000
1 <sup>st</sup> Amendment	5/19/2009	Increase compensation from \$250,000 to \$500,000: -Integrated Waste Management Fund (423): \$100,000 -San José-Santa Clara Treatment Plant Operating Fund (513): \$100,000 -Water Utility Fund (515): \$50,000 Modification to scope of service.	\$250,000
2 <sup>nd</sup> Amendment	6/15/2010	Increase compensation from \$500,000 to \$600,000: Integrated Waste Management Fund (423): \$100,000	\$100,000
3 <sup>rd</sup> Amendment	6/22/2011	Extend time to 12/31/2011	\$0
4 <sup>th</sup> Amendment	Proposed	Extend time to 12/31/2012 - No revision to scope of service	\$0
<b>Total</b>			<b>\$600,000</b>

**COST AND FUNDING SOURCE:**

All funds for the master agreement are available in the ESD Non-Personal/Equipment appropriation in the Integrated Waste Management Fund (423), San José/Santa Clara Treatment Plant Operating Fund (513), and Water Utility Fund (515).

The hourly compensation rates for this amendment will be the same as those that were in place when the original agreement was executed in September 19, 2008.

Fiscal Impact: Funding for this project has already been approved and encumbered. No additional appropriation action is required. No impact to the General Fund will result from recommended action.

**FOR QUESTIONS CONTACT:** Donna Perala, (Acting) Division Manager, at (408) 975-2511